

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1346 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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GIRDHARLAL NAGARJI PANCHAL

Versus

COLLECTOR

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Appearance:

MR SN SHELAT for Petitioner

Ms. B.R. Gajjar, Ld.GOV'T PLEADER for Respondent No. 1

MR MANGESH R MENGDEY for Respondent No. 3

MR PV NANAVALI for Respondent No. 4

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CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 08/05/2000

ORAL JUDGEMENT

Heard Mr. M.K. Shelat, learned counsel appearing  
on behalf of the petitioner, Mr. M.R. Mengde, learned  
counsel on behalf of respondent no.3 and Ms. B.R. Gajjar,

learned AGP for respondents no. 1 & 2.

2. It is jointly submitted by Mr. Shelat for the petitioner and Mr. Mengde for respondent no.3 that the respondent No.4 is not interested in the present disputed land and said respondent no.4 do not require the land as pathway for going to his land, although the respondent no. 3 & 4 filed revision application before the Government, and the Government by order dated 3-1-1990 quashed the order of granting the disputed land to the petitioner.

3. It is submitted by learned counsel for the parties that the matter has been amicably settled outside the Court and respondent no.3 has waived right of pathway through the land granted to the petitioner by the Collector, the respondent no.1, by order dated 10-3-1988. Learned counsel of both the parties submitted that, in view of the amicable settlement arrived at between the parties, the matter may be disposed of by quashing the order of respondent no.2 dated 3-1-1990 and restoring the order of the Collector dated 17-2-1988. Learned counsel for the petitioner has produced original settlement which bears the signature of both the parties, signed before the Notary, Valsad district, along with a copy of the agreement of settlement. Original copy of the settlement is returned and the copy of the agreement for settlement be retained in the file.

4. In view of the submission made by the parties, I am of the view that the matter be closed. Since the respondent no.3 has waived his right of pathway in the land allotted to the petitioner by the Collector, I am of the view that the order of the Collector granting land to the petitioner should be restored. Accordingly this petition is allowed. The order of the Addl. Chief Secretary (Appeals) dated 3-1-1990 is hereby quashed and the order of the Collector dated 17-2-1988 granting the land to the petitioner is upheld. With the aforesaid observations and directions this petition is disposed of. Rule made absolute to the aforesaid extent. I make no order as to costs.

Dt: 8-5-2000

( P.K. Sarkar, J )

/vgn